THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11548 of 2000

ORAL ORDER:

This writ petition is filed questioning the proceedings dated 19.6.2000 issued by the first respondent as arbitrary and illegal.

By impugned proceedings dated 19.6.2000, first respondent passed order imposing a fine of Rs.99,000/- to be recovered from the salary of petitioner from June, 2000 in equal monthly instalments till the date of his retirement and also to take criminal action for producing forged degree certificate and got sanctioning one increment.

It is the case of the petitioner that for the very same charge, earlier an enquiry was conducted and he was directed to pay the amounts drawn towards special grade increment along with interest @ 12% per annum. He was further imposed with punishment of stoppage of increments with effect from 1.7.1990 and 1.7.1991 as per the orders of the President. Of course, on an appeal filed by the petitioner, the said punishment was modified and two increments were restored from 1.1.1995 without any monetary benefits. In spite of the same, the second respondent advised the first respondent to follow the instructions issued by their office letters dated 12.3.1990 and 30.11.1992 and furnish compliance report both on civil and criminal action initiated as suggested therein. Therefore, it appears that the first respondent passed the impugned proceedings dated 19.6.2000 without issuing any show cause notice and without conducting any enquiry.

The learned counsel for petitioner strenuously contended that the petitioner was already punished for the misconduct alleged against him earlier by imposing punishment of stoppage of increments and recovery of amounts and the amounts as directed in the earlier orders were paid. While that being so, the impugned order was passed for the very same misconduct by the very same authority. Therefore, the impugned order is arbitrary, illegal apart from being violative of Article 20 of the Constitution of India.

Whereas the learned counsel for respondents supported the

impugned order and stated that the earlier order was passed as per the resolution of the society and whereas the impugned order was passed as per the instructions issued by the second respondent, therefore, the first respondent is entitled to pass such an order even though earlier it had attained finality by imposing punishment of stoppage of increments.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned order and other material made available on record.

At the outset, I am of the opinion that the impugned order is atrocious and it cannot stand to scrutiny of law. Once it is an admitted fact that earlier petitioner was imposed with punishment for certain charge, and for the very same charge, he could not have been subjected to further punishment, vide impugned order directing him to pay an amount of Rs.99,000/-. The impugned order was passed without putting the petitioner on notice, therefore, the same is in gross violation of principles of natural justice.

Be that as it may, in view of Article 20 of the Constitution of India, petitioner could not have been proceeded twice for the very same offence committed by him, which he had already faced and suffered punishment. Therefore, the impugned order is liable to be set aside.

In the result, the writ petition is allowed and the impugned order is set aside. No order as to costs.

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C.V.RAMULU,
J

Date: 12.12.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11548 of 2000

12.12.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.11548 of 2000

Date: 12th December, 2007

Between:

G.Jayarami Reddy

.. Petitioner

And

Prakasam District Cooperative Central Bank Ltd.,
Ongole, rep. by its General Manager & another.

.. Respondents